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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,262	11/22/2000	Takashi Shimada	1405.1027/JDH	1440
21171	7590	08/14/2006	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			DOAN, DUYEN MY	
			ART UNIT	PAPER NUMBER
			2152	

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/717,262	Applicant(s) SHIMADA ET AL.	
	Examiner Duyen M. Doan	Art Unit 2152	

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to the submission filed on 5/12/06. Claims 1-5 7-15 are amended for examination. Claim 6 is cancelled.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9,11,13,15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claims 9 and 11 claimed a computer network capable of transmitting a computer program...Applicant failed to point out any elements of the claimed computer network. Claims merely describe a multi channel control method.

For the purpose of examination, Examiner interprets the above claims as the multi channel control method...

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 8,10,12,14 are directed to non-statutory subject matter.

Claims 8,10,12,14 claimed a computer readable medium on which recorded a computer program to perform a method.

A computer readable medium having instructions thereon when execute to perform a useful method would normally be consider statutory unless the specification defines "computer readable medium" as including intangible media such as signal, carrier wave, transmissions, optical wave, transmission media or other media incapable of being touch or perceived absent the tangible medium through which they are conveyed.

According to applicant's specification on page 5-6, Applicant does not limit the computer readable medium to only storage media (i.e. no transmission signal media allowed in this category).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5,7-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Dilip et al (us pat 6,704,409) (hereinafter Dilip).

As regarding claim 1, Dilip discloses process request determination means for accepting a plurality of process requests from a plurality of channels as communication means between a user and call center (see Dilip col.2, lines 24-48) and determining whether any of the plurality of process requests from the plurality of channels are real-time process requests needing processing in real-time (see Dilip col.2, lines 24-48), or non-real-time process requests not needing processing in real-time, the determining based on an indication of properties of a channel that generates said process requests and based on services in a queue category(see Dilip col.2, lines 24-48); non-real-time processing administrating means for changing processing requests among processing requests determined to be the non-real-time processing requests to the real-time processing requests when data relating to clients as processing objects is predetermined client data, and for administrating other non-real-time processing requests with priority levels therefore (see Dilip col.3, lines 48-67; col.4, lines 5-26; lines 55-67; col.6, lines 29-38; col.7, lines 42-65; col.11, lines 27-62; col.12, lines 20-38); real-time processing allocation means for allocating process requests determined to be real-time process requests to processing terminals that are currently available among a plurality of processing terminals connected to a plurality of channels capable of a real-time process (see Dilip col.3, lines 48-67; col.4, lines 5-26; lines 55-67; col.6, lines 29-38; col.7, lines 42-65; col.11, lines 27-62; col.12, lines 20-38); and non-real-time processing allocation means for allocating non-real-time processes administrated by said non-real-time processing administrating means to any of the processing terminals,

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said allocation performed with consideration given to the priority level and to suitability of the terminal for handling the process (see Dilip col.3, lines 48-67; col.4, lines 5-26; lines 55-67; col.6, lines 29-38; col.7, lines 42-65; col.11, lines 27-62; col.12, lines 20-38).

As regarding claim 2, Dilip discloses accepting a plurality of process requests from a plurality of channels as communication means between a user and call center, and determining whether any of the plurality of process requests generated-from a-the plurality of channels are real-time process requests needing processing in real-time, or non-real-time process requests not needing processing in real-time (see Dilip col.3, lines 48-67; col.4, lines 5-26; lines 55-67; col.6, lines 29-38; col.7, lines 42-65; col.11, lines 27-62; col.12, lines 20-38), the determining based on an indication of properties of a channel that generates said process requests and based on services in a queue category (see Dilip col.3, lines 48-67; col.4, lines 5-26; lines 55-67; col.6, lines 29-38; col.7, lines 42-65; col.11, lines 27-62; col.12, lines 20-38); changing processing requests among processing requests determined to be the non-real-time processing requests to the real-time processing requests when data relating to clients as processing objects is predetermined client data, and for administrating other non-real-time processing requests with priority levels therefore (see Dilip col.3, lines 48-67; col.4, lines 5-26; lines 55-67; col.6, lines 29-38; col.7, lines 42-65; col.11, lines 27-62; col.12, lines 20-38); and allocating those real-time process requests to processing terminals that are currently available among a plurality of processing terminals connected to a plurality of channels capable of a real-time process (see Dilip col.3,

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lines 48-67; col.4, lines 5-26; lines 55-67; col.6, lines 29-38; col.7, lines 42-65; col.11, lines 27-62; col.12, lines 20-38).

As regarding claim 3, Dilip discloses allocating a non-real-time process request currently being administrated to a most appropriate processing terminal, based on the priority level of the request and suitability of available processing terminals capable of processing said non-real-time process request (see Dilip col.3, lines 48-67; col.4, lines 5-26; lines 55-67; col.6, lines 29-38; col.7, lines 42-65; col.11, lines 27-62; col.12, lines 20-38).

As regarding claim 4, Dilip discloses allocating the processing terminal handled by said dual-duty operator to either incoming tasks or outgoing tasks based on a current status of the processing terminals handled by the operators (see Dilip col.3, lines 48-67; col.4, lines 5-26; lines 55-67; col.6, lines 29-38; col.7, lines 42-65; col.11, lines 27-62; col.12, lines 20-38), wherein said incoming tasks and outgoing tasks include both real-time and non-real-time process requests arising from channels connected to , in addition to the processing terminals handled by said operators, Web agents handling process requests generated by Internet web servers, e-mail agents handling process requests generated by e-mail servers, and automatic voice response devices automatically processing incoming signals from public lines (see Dilip col.3, lines 48-67; col.4, lines 5-26; lines 55-67; col.6, lines 29-38; col.7, lines 42-65; col.11, lines 27-62; col.12, lines 20-38).

As regarding claim 5, Dilip discloses among the processing terminals handled by said

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operators, at least one processing terminal is kept available for real-time incoming tasks (see Dilip col.3, lines 48-67; col.4, lines 5-26; lines 55-67; col.6, lines 29-38; col.7, lines 42-65; col.11, lines 27-62; col.12, lines 20-38).

As regarding claim 7, Dilip discloses wherein said outgoing tasks include pre-planned non-real-time process requests not requiring real-time processing (see Dilip col.3, lines 48-67; col.4, lines 5-26; lines 55-67; col.6, lines 29-38; col.7, lines 42-65; col.11, lines 27-62; col.12, lines 20-38).

As regarding claim 8, Dilip discloses determining whether any of a plurality of process requests generated from a plurality of channels are real-time process requests needing processing in real-time, or non-real-time process requests not needing processing in real-time (see Dilip col.3, lines 48-67; col.4, lines 5-26; lines 55-67; col.6, lines 29-38; col.7, lines 42-65; col.11, lines 27-62; col.12, lines 20-38), the determining based on services in a queue category; allocating those real-time process requests to processing terminals that are currently available among a plurality of processing terminals connected to a plurality of channels capable of a real-time process; and administrating said non-real-time process request as well as a priority level therefor (see Dilip col.3, lines 48-67; col.4, lines 5-26; lines 55-67; col.6, lines 29-38; col.7, lines 42-65; col.11, lines 27-62; col.12, lines 20-38).

As regarding claim 12, Dilip discloses among the processing terminals handled by said operators, at least one processing terminal is kept available for real-time incoming tasks

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(see Dilip col.3, lines 48-67; col.4, lines 5-26; lines 55-67; col.6, lines 29-38; col.7, lines 42-65; col.11, lines 27-62; col.12, lines 20-38).

As regarding claims 9 and 13 the limitations are similar to limitations of rejected claims 8 and 12 above, therefor rejected for the same rationale as claims 8 and 12 above.

As regarding claims 10 and 14 the limitations are similar to limitations of rejected claims 4,5,7 above, therefor rejected for the same rationale as claims 4,5,7 above.

As regarding claims 11 and 15 the limitations are similar to limitations of rejected claims 4,5,7 above, therefor rejected for the same rationale as claims 4,5,7 above.

Response to Arguments

Applicant's arguments with respect to claims 1-5,7-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

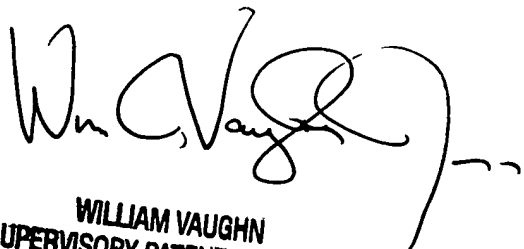
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M. Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob A. Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner
Duyen Doan
Art unit 2152


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